

09/942,887

REMARKS

Applicants wish to thank the Examiner for the attention accorded to the instant application. However, Applicants respectfully disagree with the Examiner's rejections based on 35 U.S.C. §102(b) and 103(a).

To anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988).

An important feature of the inventions of the claims that not disclosed or suggested by Zupancic et al. U.S. Patent No. 4,708,981, Bae et al. U.S. Patent No. 5,226,902 and Hubbell et al. U.S. Patent No. 6,258,870, alone or in combination, is that "a quantity of water is used for polymerization, the quantity selected to swell the polymer material to a defined volume upon curing". The benefits of this feature are described in the specification, e.g., at page20:

In certain embodiments, water may be used as substantially the only liquid species added to the monomer solution. The water serves to create the matrix structure, thus acting as a space holder to increase the volume of the cured polymer. Thus, the polymer matrix volume may be defined with a specific amount of water. ...

The polymer matrix membrane or material may be provided to an end user as is, or alternatively, the water can be replaced with a solution of the proper concentration of the desired ionic species. Since the initial water defines the volume of the polymer matrix material, water can be replaced with a solution of the proper concentration of the desired ionic species with minimal swelling or

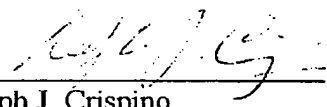
09/942,887

shrinking, depending on the replacing solution characteristics (i.e., acidity or alkalinity, and concentration). This is desirable because the strength and ionic conductivity are critically linked to the volume and tortuosity of the solution ionic phase. Significant swelling of a polymer can reduce the strength of the final material. If, however, the material does not swell enough to provide sufficient electrolyte volume, conductivity is reduced. Specification, page 20, lines 8-23.

In light of the present remarks, it is respectfully requested that the rejections based on 35 U.S.C. §102(b) and 103(a) be withdrawn with respect to the pending 1-52.

The amendments herein do not introduce any new matter. It is believed that the claims herein should be allowable to Applicants. Accordingly, allowance is respectfully requested.

Respectfully submitted,

By: 
Ralph J. Crispino
Registration No. 46,144

Date: November 18, 2002
REVEO, INC.
85 Executive Boulevard
Elmsford, New York 10523
Telephone (914) 798-7270
Facsimile: (914) 345-9558

OFFICIAL FAX RECEIVED
NOV 18 2002
GROUP 1700